



IFW

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 7, 2008

Signature:

(Dennis M. Smid, Esq.)

Docket No.: SONYJP 3.3-519
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ayumi Senda

Application No.: 10/587,117

Group Art Unit: 2621

Filed: July 24, 2006

Examiner: Not Yet Assigned

For: IMAGE PICKUP DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

Enclosed please find the International Preliminary Report on Patentability.

In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 12-1095.

Dated: August 7, 2008

Respectfully submitted,

By 

Dennis M. Smid, Esq.

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000

Attorney for Applicant

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference JSONY-742PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2005/021275	International filing date (<i>day/month/year</i>) 18 November 2005 (18.11.2005)	Priority date (<i>day/month/year</i>) 06 December 2004 (06.12.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SONY CORPORATION		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input type="checkbox"/>	Box No. VI	Certain documents cited																							
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 13 June 2007 (13.06.2007)</p> <p>Authorized officer <div style="text-align: center; font-weight: bold;">Masashi Honda</div></p> <p>e-mail: pt08.pct@wipo.int</p>
--	--

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **14.02.2006**

Applicant's or agent's file reference
JSONY-742PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/JP2005/021275

International filing date (day/month/year)
18.11.2005

Priority date (day/month/year)
06.12.2004

International Patent Classification (IPC) or both national classification and IPC

H04N5/765, H04N5/225, H04N5/781, H04N5/907, H04N101/00

Applicant

SONY CORPORATION

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/021275

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/021275

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	5	YES
	Claims	1-4, 6-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP 2003-169243 A (Fuji Photo Film Co., Ltd.), 13 June 2003, paragraphs [0030]-[0034], [0047]-[0048], [0059]-[0061]</p> <p>Document 2: JP 2004-96623 A (Canon Inc.), 25 March 2004, paragraphs [0018]-[0026], fig. 4</p> <p>Document 3: JP 11-308562 A (Minolta Co., Ltd.), 5 November 1999, paragraphs [0040]-[0047], fig. 6</p> <p>Document 4: JP 2004-158149 A (Hitachi, Ltd.), 3 June 2004, paragraphs [0041]-[0043], [0061]</p> <p>Document 5: JP 2004-328074 A (Fuji Photo Film Co., Ltd.), 18 November 2004, paragraphs [0022]-[0028], [0033]-[0034], [0041]-[0042]</p> <p>The inventions set forth in claims 1 and 2, claim 8 and 9, and claim 12 do not involve an inventive step in the light of document 1 cited in the international search report and document 2 cited in the international search report. Document 1 discloses a feature wherein, when it is detected that an imaging device is connected to an external recording device, the image data recorded in a recording medium in the aforementioned imaging device are transferred to the aforementioned external recording</p>			

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/021275

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

device, and a person skilled in the art could easily conceive of adding the feature wherein image data corresponding to images captured by an imaging device are recorded in an external recording device while the imaging device is connected to the external recording device, disclosed in document 2, to the imaging device disclosed in document 1.

The inventions set forth in claims 3 and 4, claim 10, and claim 13 do not involve an inventive step in the light of document 1 and document 3 cited in the international search report. A person skilled in the art could easily conceive of adding the feature wherein, based on the size of image data and the available capacity of a recording medium in an imaging device, a determination is made as to whether or not the image data can be recorded in the recording medium, and when it is determined that the image data can be recorded in the recording medium in the imaging device, the aforementioned image data are recorded in the aforementioned recording medium, regardless of whether or not the imaging device is connected to an external recording device, and when it is determined that the image data cannot be recorded in the recording medium, the image data are transferred to an external recording device, disclosed in document 3, to the imaging device disclosed in document 1.

The invention set forth in claim 6 does not involve an inventive step in the light of document 2 and document 1. A person skilled in the art could easily conceive of adding the feature wherein, when it is detected that an

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/021275

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

imaging device is connected to an external recording device, the image data recorded in a recording medium in the aforementioned imaging device are transferred to the aforementioned external recording device, disclosed in document 1, to the external recording device disclosed in document 2.

The inventions set forth in claims 7, 11, and 14 do not involve an inventive step in the light of documents 1 and 2 and document 4. A person skilled in the art could easily conceive of adding the feature wherein the rotational speed of a disk medium is reduced when a voice is recorded thereon, disclosed in document 4, to the external recording device disclosed in document 2.

The invention set forth in claim 5 is not disclosed in any of the documents cited in the international search report, nor would it be obvious to a person skilled in the art.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/021275

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 5 states that "when, while recording the aforementioned image data in the aforementioned recording medium with a specified file name, the aforementioned imaging device is connected via the aforementioned connecting means to the aforementioned external recording device,... [the data] are recorded in the aforementioned external recording device using a different file name," but claim 4, to which claim 5 refers, states that "when the aforementioned determining means determines that the aforementioned image data can be recorded in the aforementioned recording medium, the aforementioned image data are recorded in the aforementioned recording medium regardless of whether or not the aforementioned imaging device is connected via the aforementioned connecting means to the aforementioned external recording device," and thus, it is unclear whether image data will be recorded in the recording medium or in an external recording device when the imaging device is connected to an external recording device and it is determined that the image data can be recorded in the recording medium.